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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 TROY ANTHONY MORROW,

Case No. 3:17-cv-00580-MMD-VPC

10 Petitioner,

ORDER

11 v.

12 BRIAN E. WILLIAMS, SR., *et al.*,

13 Respondents.

14 Petitioner Troy Anthony Morrow's *pro se* petition for writ of habeas corpus pursuant
15 to 28 U.S.C. § 2254 is before the Court on his second motion for appointment of counsel
16 ("Motion") (ECF No. 8). His application to proceed *in forma pauperis* shall be granted
17 (ECF No. 1). As the Court previously stated, there is no constitutional right to appointed
18 counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551,
19 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir.1993). The decision to appoint
20 counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir.1986),
21 *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert.*
22 *denied*, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of
23 the case are such that denial of counsel would amount to a denial of due process, and
24 where the petitioner is a person of such limited education as to be incapable of fairly
25 presenting his claims. See *Chaney*, 801 F.2d at 1196; see also *Hawkins v. Bennett*, 423
26 F.2d 948 (8th Cir.1970).

27 The Motion is a form motion that does not raise any additional bases for counsel.
28 This Court previously stated that the petition is clear in presenting the issues that Morrow

1 wishes to raise, and the legal issues are not particularly complex. The Court remains
2 unpersuaded that counsel is warranted. The Court therefore denies the Motion.

3 It is therefore ordered that petitioner's second motion for appointment of counsel
4 (ECF No. 8) is denied.

5 It is further ordered that respondents' motion for extension of time to file a response
6 to the petition (ECF No. 7) is granted *nunc pro tunc*.

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8 DATED THIS 25th day of April 2018.

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12 MIRANDA M. DU
13 UNITED STATES DISTRICT JUDGE
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